

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL)	MDL No. 1456
INDUSTRY AVERAGE WHOLESALE)	Master Docket 01-cv-12257
PRICE LITIGATION)	
)	
THIS DOCUMENT RELATES TO:)	Subcategory 06-11337
)	Civil Action No. 08-cv-10852
)	
<i>United States of America Ex Rel.</i>)	
<i>Ven-A-Care of the Florida Keys, Inc.</i>)	
<i>a Florida Corporation, by and through</i>)	
<i>its principal officers and directors,</i>)	
<i>ZACHARY T. BENTLEY and T. MARK</i>)	
<i>JONES, vs. Actavis Mid Atlantic LLC,</i>)	
<i>et al.</i>)	
)	

STATUS REPORT FEBRUARY 1, 2012

Pursuant to the Court's June 17, 2004 Procedural Order, the undersigned counsel for plaintiff and relator Ven-A-Care of the Florida Keys, Inc., hereby submits the following status report to the Court listing the status of all motions to date:

On May 24, 2011, a Status Conference was held and settlement issues were discussed with respect to all pending matters. Attorney James Breen reported to the Court that settlements in principle had been reached with respect to the Actavis and Par Pharmaceutical Defendants. On May 27, 2011, the Court entered a 90 Day Settlement Order of Dismissal as to Actavis Mid Atlantic, LLC and the Par Pharmaceutical Defendants [Docket No. 178]. The Court set another status conference for June 16, 2011 at 2:00 p.m.

On June 16, 2011, a Status Conference was held, and settlement issues were addressed with respect to all pending matters. Attorney James Breen reported that a settlement in principle had been reached with respect to the Watson Defendants. Ven-A-Care also reached settlements in principle with the Mylan and Sandoz Defendants regarding both the federal and California (03-CV-11226-PBS) cases.

On July 8, 2011, the Court entered 120 Day Settlement Orders of Dismissal as to Subcategory Case No. 06-11337 (Individual Case No. 08-10852) as to the Mylan Defendants [Docket No. 7660], the Sandoz Defendants [Docket No. 7662] and the Watson Defendants [Docket No. 7663].

On August 22, 2011, a Joint Motion to Extend the 90-Day Order of Dismissal as to Defendants Actavis Inc., Actavis Elizabeth LLC and Actavis Mid Atlantic LLC was filed [Docket No. 7762], asking the Court for an extension until October 24, 2011 for the parties to conclude their settlement discussions, finalize settlement papers and obtain the United States' written consent to the dismissal.

On August 22, 2011, a Joint Motion to Extend the 90-Day Order of Dismissal as to Defendants Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. was filed [Docket 7763], asking the Court for an extension until September 2, 2011 to file necessary documents per the parties' Settlement Agreement.

On August 26, 2011, Ven-A-Care, Par Pharmaceutical, Inc., and Par Pharmaceutical Companies, Inc. filed a Joint Notice of Settlement [Docket No. 7769], requesting the Court to consent to the settlement and enter an Order of Dismissal with Prejudice per the parties' Stipulation of Dismissal with Prejudice [Docket No. 7768] filed contemporaneously with the Notice. The Court approved the settlement and on August 29, 2011, the Court entered an Order of Dismissal with Prejudice of Certain Claims Against the Par Defendants [Docket No. 7776].

On August 29, 2011, the Court granted the Joint Motion of Ven-A -Care and Defendants Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. to extend the 90-Day Order of Dismissal until September 2, 2011 [Docket 7773].

On August 30, 2011, the Court granted the Joint Motion of Ven-A -Care and Defendants Actavis Inc. Actavis Elizabeth LLC and Actavis Mid Atlantic LLC to extend the 90-Day Order of Dismissal for an additional 60 days until October 24, 2011 [Electronic Order].

On September 14, 2011, Ven-A-Care and Watson Pharmaceuticals, Inc. and Schein Pharmaceuticals (nka Watson Pharma, Inc.) filed a Stipulation of Dismissal with Prejudice of Certain Claims Against Watson Parties and Motion for Order of Dismissal with Prejudice [Docket 7792]. On September 19, 2011, the Court granted the parties' motion and entered an Order of Dismissal with Prejudice of Certain Claims against the Watson Defendants [Docket 7799].

On September 9, 2011, Ven-A-Care and Sandoz Inc. filed a Stipulation of Dismissal with Prejudice of Certain Claims Against Sandoz and Motion for Order of Dismissal with Prejudice [Docket 7789]. On September 20, 2011, the Court granted the parties' motion and entered an Order of Dismissal of Certain Claims with Prejudice against Sandoz [Docket 7802].

On October 20, 2011, Ven-A-Care and the Actavis Defendants filed their Second Joint Motion to Extend the Order of Dismissal as to Defendants Alpharma Inc., Alpharma USPD Inc., f/k/a Barre-National, Inc., Barre Parent Corp., and Actavis Mid Atlantic LLC for a period of 45 days, to and including December 8, 2011. On October 21, 2011, the Court granted the Second Joint Motion and extended the Order of Dismissal for an additional 45 days until December 8, 2011 [Electronic Order].

On November 1, 2011, Ven-A-Care and Defendants Mylan Inc., Mylan Pharmaceuticals, Inc., Watson Pharma, Inc. and Watson Pharmaceuticals, Inc. filed a Joint Motion to Extend the Order of Dismissal for a period of 42 days, to and including December 16, 2011 [Docket 7868]. On November 4, 2011, the Court granted the Joint Motion of Ven-A-Care and Defendants Mylan Inc., Mylan Pharmaceuticals, Inc., Watson Pharma, Inc. and Watson Pharmaceuticals, Inc. to extend the 120-Day Order of Dismissal until December 16, 2011 [Docket 7891].

On November 2, 2011, Ven-A-Care and Defendant Sandoz Inc., f/k/a Geneva Pharmaceuticals, Inc., filed a Joint Motion to Extend the Order of Dismissal for a period of 24 days, to and including November 28, 2011 [Docket 7878]. On November 4, 2011, the Court granted the Joint Motion of Ven-A-Care and Defendant Sandoz Inc. to extend the 120-Day Order of Dismissal until November 28, 2011 [Docket 7892].

On November 16, 2011, Ven-A-Care and Sandoz Inc. filed a Stipulation of Dismissal with Prejudice of Claims Against Sandoz Parties and Motion for Order of Dismissal with Prejudice [Docket 7905]. On November 23, 2011, the Court granted the parties' motion and entered an Order of Dismissal with Prejudice of Claims Against Sandoz Defendants [Electronic Order].

On December 6, 2011, Ven-A-Care and the Actavis Defendants filed their Third Joint Motion to Extend the Order of Dismissal as to Defendants Alpharma Inc., Alpharma USPD Inc., f/k/a Barre-National, Inc., Barre Parent Corp., and Actavis Mid Atlantic LLC for a period of 39 days, up to and including January 16, 2012 [Docket 7970]. On December 8, 2011, the Court granted the Third Joint Motion and extended the Order of Dismissal for an additional 39 days until January 16, 2012 [Docket No. 7981].

On December 13, 2011, Ven-A-Care and Watson Pharmaceuticals, Inc. (f/k/a Schein Pharmaceuticals, Inc.) filed an Agreed Motion for Approval of Settlement of False Claims Act Case, requesting the Court's approval of the Settlement Agreement as to the remaining claims against the Watson Defendants. On December 15, 2011, the Court entered an Order granting the parties' motion.

On December 15, 2011, Ven-A-Care and Defendants Watson Pharma, Inc. and Watson Pharmaceuticals, Inc. filed a Second Joint Motion to Extend the Order of Dismissal for a period of 21 days, up to and including January 6, 2012 [Docket 7990]. On December 20, 2011, the Court granted the Second Joint Motion of Ven-A-Care and Defendants Watson Pharma, Inc. and Watson Pharmaceuticals, Inc. to extend the 120-Day Order of Dismissal until January 6, 2012 [Docket 7995].

On December 15, 2011, Ven-A-Care, the State of California, Mylan Inc., f/k/a Mylan Laboratories Inc. and Mylan Pharmaceuticals Inc. filed their Second Joint Motion to Extend the Order of Dismissal as to the Mylan Defendants for an additional 63 days to and including February 17, 2012. On December 21, 2011, the Court granted the Second Joint Motion and extended the Order of Dismissal for an additional 63 days until February 17, 2012.

On December 29, 2011, Ven-A-Care and Alpharma Inc., Alpharma USPD Inc., f/k/a Barre-National, Inc., Barre Parent Corp., and Actavis Mid Atlantic LLC filed a Stipulation of Dismissal with Prejudice of Action Against Actavis Defendants and Motion for Order of Dismissal with Prejudice [Docket 7999].

On January 3, 2012, Ven-A-Care and Watson Pharmaceuticals, Inc. (f/k/a Schein Pharmaceuticals, Inc.) filed a Stipulation of Dismissal with Prejudice of Certain Claims Against Watson Parties and Motion for Order of Dismissal with Prejudice [Docket 8006], and Notice of Filing of Consent of the United States of America [Docket 8008]. On January 4, 2012, the Court granted the parties' motion and entered an Order of Dismissal with Prejudice of Certain Claims against the Watson Defendants [Docket 8021].

On January 4, 2012, the Court granted the Motion for Order of Dismissal with Prejudice as to Certain Claims against Actavis filed by Ven-A-Care and Alpharma Inc., Alpharma USPD Inc., f/k/a Barre-National, Inc., Barre Parent Corp., and Actavis Mid Atlantic LLC (collectively "Actavis Defendants") [Docket 8022].

Respectfully submitted,

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**ATTORNEYS FOR VEN-A-CARE OF THE
FLORIDA KEYS, INC.**

CERTIFICATE OF SERVICE

I hereby certify that I, Rand J. Riklin, caused a true and correct copy of the foregoing Status Report to be served on all counsel of record electronically on February 1, 2012, pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LEXIS File & Serve electronic filing service.

By: /s/ Rand J. Riklin
Rand J. Riklin